

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Utility Solutions, LLC, PO Box 10098, Bozeman, MT, 59719
2. *Type of action:* The Montana Department of Natural Resources and Conservation (DNRC) has received an Application To Change A Water Right #30021139-41H.
3. *Water source name:* West Gallatin River
4. *Location affected by project:* E2E2 Section 11 Township 2 South, Range 4 East, Gallatin County, Montana. Water will be used to augment the West Gallatin River.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The applicant proposes to remove 22 acres, from claims # 41H-122231 & 41H-12232 with a place of use located in E2E2 Section 11 T2S R4E, from irrigation. The consumed volume, 9.73 acre-feet is being changed, and will be used to augment depletions to the West Gallatin River. The depletion to be augmented was determined to be 9.73 acre-feet. Utility Solutions proposes to divert 373 GPM up to 194.6 acre-feet from nine wells, for municipal purposes. The water will be used by Black Bull Run & Middle Creek Parklands Subdivision. The DNRC shall Authorize a Change if the applicant proves that the criteria in # 85-2-402, MCA, are met.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Department of Environmental Quality
Montana State Historic Preservation Office
Montana Natural Resource Information System
Gallatin Local Water Quality District
Gallatin County Planning Office
Montana Department of Fish, Wildlife and Parks

Part II. Environmental Review

1. Environmental Impact Checklist:

<p>PHYSICAL ENVIRONMENT</p>

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The source of water is the West Gallatin River. The West Gallatin River is considered chronically dewatered by DFWP from Shedd's bridge (Four Corners) to the mouth, and periodically dewatered from Gallatin Gateway to Shedd's bridge. The historic point of diversion, the Beck & Border Ditch, is approximately 1 mile upstream from the Shedd's bridge. No additional water will be removed from the West Gallatin River. The intent of this change is to return water to the river thru a recharge basin.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: The "Gallatin River from Spanish Cr to the mouth (Missouri River)" has been listed on the DEQ, 303(d) list. Water quality, in the river, should not be impacted by this project. The intent of this change is to leave water in the river directly by reducing the diverted amount and indirectly through infiltration into the alluvial gravels along the river.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: This change application is being filed to mitigate adverse affect from application #30019215-41H filed by Utility Solutions for a total of 9 wells in the east half of Section 11 Township 2 South, Range 4 East, Gallatin County. The water is obtained from shallow wells, approximately 70 feet deep. Aluvium consists of an average of 55 feet of uniformly coarse sand and gravel (Hackett and others, 1960).

The main sources of recharge to ground water within this area is seepage from irrigation canals, tributaries of the West Gallatin River, return flows from flood irrigation, and snowmelt. Ground water discharges to the West Gallatin River and its tributaries and through evapotranspiration by riparian vegetation, or leaves the area as underflow (Hackett and others, 1960).

The intent of this application is to augment the groundwater connection to surface water, and mitigate any adverse affect to water rights on the West Gallatin River. It is unknown if groundwater water quality will be impacted when river water is injected into the groundwater system.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

Determination: The Natural Heritage Program was contacted. Bald Eagles are a threatened species that may be seen within the proposed area. Westslope Cutthroat Trout may inhabit the water of the West Gallatin River. These species would not be directly affected by the Authorization of this Change. Dwarf Purple Monkeyflowers & Slender Wedgegrass may be found at the location of the proposed subdivisions. They are a species of concern. Augmentation is meant to mitigate any depletion of West Gallatin River water from the proposed wells.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No wetlands have been identified at the proposed recharge basin site in the NW NE NE Sec 11 T2S R4E, Gallatin County.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This application is not proposing to construct any ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: The Beck & Border ditch will be used to divert water to an infiltration system. Pressurized water will be injected into buried pipelines, to return surface water to the groundwater system. This injected water is intended to get back to the West Gallatin River. Soil moisture content in and around the drain field may be increased. There is no evidence of saline seep.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: This change in use of water will not impact existing vegetative cover.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: This proposed change will not impact air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: There are a few recorded historic sites within the designated search locale, those being historic irrigation ditches. SHPO feels that the absence of more cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as their records indicate none. A cultural inventory is recommended at this time.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: This change will not impact energy demands.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The Northstar Subdivision has received conditional plat approval from the Gallatin County Commission. Galactic Park Subdivision has been approved. To supply these subdivisions with water from wells, the depletions from the West Gallatin River must be augmented. It is the intent of this change application to leave water in the river, and inject water into a recharge basin.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This project is located on private land, with no access to recreational or wilderness activities. No impact is expected.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact on human health is expected.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Private property rights are not impacted by this proposed action.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (g) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (j) Other appropriate social and economic circumstances? No significant impact

2. ***Secondary and cumulative impacts on the physical environment and human population:*** Secondary impacts to the physical environment, or human population have not been identified. It appears that the groundwater wells, see permit applications, # 30019215-41H, are hydraulically connected to the West Gallatin River. The cumulative impact of additional wells could impact water users on the river, unless potential water loss is mitigated. The intent of this change application is to retire 35 acres of past irrigation, and use the consumed volume to augment the loss of water to the West Gallatin River. The cumulative impact on human population will be an increase in people living in the Four Corners area.

2. ***Describe any mitigation/stipulation measures:***

The applicant has filed a change application to remove ground from irrigation. A portion of the aforementioned claims will be diverted into the Beck & Border ditch, and conveyed to an infiltration system. The intent is to augment the river throughout the entire year. This mitigation is necessary to prevent any adverse affect that may occur if the supply wells filed under application # 30019215-41H are permitted and pumped.

3. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

No action alternative: This alternative would be to not subdivide this ground, and maintain the current use.

Proceed Alternative: Proceed with the application as filed. Require the applicant to show that their augmentation plan can off set any loss of water to the West Gallatin River, through out the period that depletions may occur. Prove by a preponderance of evidence that they have met the criteria in MCA # 85-2-402. Public notice the application, and if objections are received, proceed with a contested case hearing.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No

Finding:

*Yes*___ *No* *X*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts have been identified.

DNRC has determined that this EA is the appropriate level of environmental review for this development.

Name of person(s) responsible for preparation of EA:

Name: Jan R Mack

Title: Water Resources Specialist

Date: June 22, 2006